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10/528,082	03/14/2005	Joseph D Mosca		5825

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EXAMINER

BLANCHARD, DAVID J

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1643

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

To have a general inventive concept under PCT rule 13.1, the inventions need to be linked by a special technical feature. The special technical feature recited in claim 1 is a method for treating a cancer patient comprising administering tumor-derived biological particles modified to mimic antigen-presenting cells. In view of this Scanlan et al (US patent 6,686,147, 9/9/1999) reads on the claim. Scanlan et al teach a method of treating a cancer patient comprising *ex vivo* administration of virus-like particles encoding a cancer antigen into tumor cells obtained from the cancer patient and reintroducing the engineered cells back into the patient wherein the cells express and present the cancer antigen to cytotoxic T lymphocytes (see entire document, particularly cols. 7-8 and 31). Therefore the technical feature recited in claim 1 is not special. Accordingly the groups are not so linked as to form a single general concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-8, drawn to a method for treating a cancer patient comprising administering tumor-derived biological particles modified to mimic antigen-presenting cells.

Group II, claims 9-15, drawn to a method for inducing an immune response in an animal comprising administering particles that have been modified to include at least one exogenous antigen fragment bound to a tumor derived surface molecule and also expressing one co-stimulatory molecule.

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2. The inventions listed as Groups I-II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: As set forth above, in view of the teaching of Brauker et al the groups are not so linked as to form a single general concept under PCT Rule 13.1 because the technical feature of claim 1 is not special.

The methods of Inventions I and II differ in the method objectives, method steps and parameters and in the reagents used. Invention I recites a method for treating a cancer patient comprising administering tumor-derived biological particles modified to mimic antigen-presenting cells and Invention II recites a method for inducing an immune response in an animal comprising administering particles that have been modified to include at least one exogenous antigen fragment bound to a tumor derived surface molecule and also expressing one co-stimulatory molecule. The examination of each groups would require different searches in the U.S. Patent shoes and the scientific literature and would require the consideration of different patentability issues. Thus Inventions I and II are separate and distinct in having different method objectives, method steps and parameters and in the reagents used and are patentably distinct.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter and different searches in the patent literature, restriction for examination purposes as indicated is proper.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Blanchard whose telephone number is (571) 272-0827. The examiner can normally be reached at Monday through Friday from 8:00 AM to 6:00 PM, with alternate Fridays off. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms, can be reached at (571) 272-0832.

The official fax number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/David J. Blanchard/
Primary Examiner, A.U. 1643